

**Benton County Planning Board  
Technical Advisory Committee Meeting Minutes  
May 7, 2008, 5:30 p.m.**

**Call to Order & Roll Call:** The following Benton County Planning Board members were present: Scott Borman, Mark Gray, Caleb Henry, Adele Lucas, and Tim Sorey; Bill Kneebone and Heath Ward were not present. The following Benton County Planning Office staff members were present: Ashley Pope, Kathleen Davis and Karen Stewart.

**Old Business:**

1. Final Plat - **Edens Bluff Lake Estates** - Ervin McGarrah Road, Lowell - Engineering Services, Inc.

Jim Harrelson of ESI and Danny Andreasen represented the final plat application.

Ms. Pope noted that this project was seen last month, but was tabled at the request of the applicant. She stated that the applicant has submitted all of the required items, including the approval of the City of Lowell. Mr. Borman asked if the streets were done; Ms. Pope stated that they were and that the development's roads would be private and not proposed for County maintenance.

Mr. Sorey stated that the disturbed areas needed to be stabilized with seed and mulch. Mr. Andreasen stated that much of the dirt work had been completed and some seeding had been done.

Mr. Gray asked, "On the southern portion of these lots, you have a Corps of Engineers offset line: is that referring to a particular setback?" Mr. Harrelson answered that it was not a setback; it is simply a marker and was not meant to restrict anything.

**New Business:**

1. Variance from Large Scale Development Regulations - **Daystar Preschool** - 13101 North Highway 62, Rogers - Jim Ramsey

Landon Sartin represented the large scale development application.

Ms. Pope noted that this project was submitted by the applicant and that Jim Ramsey was not a part of the application. She explained that this is an existing church in which the applicant wishes to establish a daycare; the applicant is requesting a waiver from the large scale development requirements. She pointed out that the applicant would need to obtain the approval of the Arkansas Department of Health and meet all of their regulations.

Mr. Sorey asked if the building was being expanded at all; Mr. Sartin stated that it is not. Ms. Pope explained that it is not a significant change in the use of the facility, but that a large scale development application had never been submitted for the project. Mr. Sartin said that the building has been on the property since about 1994 (the Real Estate Assessor's records show that it was constructed in 1997). Staff recommended approval of

the variance request contingent upon satisfying the requirements of the Arkansas Health Department.

Mr. Gray observed that it did not appear that any construction would take place; Mr. Sartin stated that they might move one inside wall, but that there would be no change to the outside of the building. Ms. Pope stated that the Planning Office would not require a permit for moving the inside wall as long as it did not affect the building structurally.

Ms. Lucas asked if the applicant would be required to return for the public hearing or if they simply needed to obtain the approval of the Arkansas Health Department. Ms. Pope stated that the Board should make a general statement on how they will vote or how they will be looking at the submission at the public hearing.

Mr. Sorey stated that the Board would need to see the project at the public hearing and asked if notification of adjacent property owners had been done. Mr. Sartin stated that he would be sending those letters out this week. Mr. Sorey stated that the letters should be sent out ASAP; Ms. Pope noted that the certified letters should have been sent out today. Mr. Henry asked if the applicant is requesting a variance from the large scale development requirements if it would be necessary for them to notify the adjacent property owners. Ms. Pope stated that it was not normally a requirement.

Mr. Borman stated that he would be more comfortable with the proposed variance if the applicant went ahead and sent out the notifications, since the hours of operation are changing. Mr. Sartin stated that the office hours are normally 9 a.m. to 5 p.m.; the new hours of operation would be from 7 a.m. to 5:30 p.m. Mr. Borman stated that the variance request stated that the hours of operation were supposed to be Monday through Friday from 6 a.m. to 7 p.m. Mr. Sartin explained that he had mistakenly put those hours down, but that his wife (the director of the daycare) had set the hours from 7 a.m. to 5:30 p.m.

Ms. Pope clarified that the Board wanted the applicant to send out the notifications to the adjacent property owners, even though they do not usually require that; Mr. Borman responded that they did. Mr. Sorey stated that the notifications should be sent out at least to notify adjacent property owners of the meeting date and time so that the applicant did not need to wait another month; Mr. Borman concurred. Mr. Sorey stated that he did not think that anyone on the Board had any issue with the proposed project.

\* The applicant must send out notifications to adjacent landowners as soon as possible.

2. Lot Split (Timber Lake Estates Subdivision) - **Brenda Knox** - 17741 Key Road,  
Rogers - Jenkins Surveying

John Phillips and Brenda Knox represented the proposed lot split.

Ms. Pope stated that this is a lot split within a subdivision. Staff requested a vicinity map, the section-township-range information and the names of the adjacent landowners be placed on the survey; Staff also requested a fire protection letter and (when the plats are redone) that the notary not stamp over the legal description.

Ms. Pope added that the property is about 11.5 acres; she said, "The 7-acre lot behind the one that has the road frontage on Key Road has access through an easement on lot 13."

Mr. Sorey asked if there was nowhere in the description that showed the section, township and range information; Ms. Pope stated that since it is an existing subdivision, it typically does not. Mr. Gray stated that the information is on the plat (S17-T19N-R28W) in the plat code at the bottom of the document.

Mr. Phillips asked if the Board would send out notifications to adjacent property owners; Mr. Sorey clarified that the applicant did not have to send out "mailers" for the tract split, but that Staff required that the surveyor annotate the adjacent property owners' names on the survey. Mr. Phillips asked if the Board required a new plat with the adjacent property owners shown; Mr. Sorey agreed and added that the vicinity map should also be on the plat and that the applicant should ensure that the legal description is not over-stamped by the notary public. Mr. Phillips asked if all of these items should be obtained before the public hearing; Mr. Sorey stated, "Yes."

- \* Add a vicinity map to the survey
- \* Add the names of the adjacent property owners to the survey
- \* Provide a fire protection letter from the servicing fire department
- \* Ask the notary to avoid stamping over the legal description on the survey
- \* Add the section, township and range to the survey.

### 3. Tract Split - **Tyson Swine Farm** - Rocky Dell Hollow Road, Bella Vista - Jenkins Surveying

Craig Jones represented the proposed tract split.

Ms. Pope stated that this project would look familiar to the Board and explained that the Tyson family is trying to sell three single-family dwellings without going through the subdivision process. She stated that the applicant had been granted a waiver for two splits, but now they are requesting a third split.

Mr. Jones stated that a variance was approved by the Board in January of 2007 to split tracts 1 and 2 off of the hog farm, but the sales of the two houses fell through. He added that the sale of the house on tract 4 (a 20-acre tract) fell through as well. He stated that his clients did not ever wish to sell tract 3 (on which the hog farm is located). He asserted that this tract split is not really a subdivision, since it involves 25 year-old houses on the edge of a hog farm in rural Benton County.

Ms. Pope asked if the proposed Bella Vista Bypass would be near this area and if the property would be subject to any rights-of-way. Mr. Jones responded that the bypass would be ¼ mile to the west and that the property would not be subject to any rights-of-way.

Ms. Pope stated that the project had "a snaggle-toothed appearance" and suggested that the applicant should make the project a subdivision; Mr. Jones responded that he was not against doing a subdivision if it could be done in a cost-effective manner, but he did not see any benefit in making it a subdivision. He expressed concern about getting this matter resolved in a timely manner, since he currently has two of the houses under contract and is fearful of losing the sales. He stated that he understood that he had had too many tract splits

Mr. Sorey stated that he would "almost rather leave the bulk property alone so that you don't have those six drives, so that we can force the development when it were to happen to come in between these existing tracts and have nice access - one or two access points, controlled, with safe distances - and maybe they'd have some of that property up along the frontage that they don't get lots on. From traffic standpoint and access direct off the road, that's going to be a lot nicer for the County in the long run. If you do go ahead and create those lots, you're going to get exactly what you're talking about. You're going to get specifically six additional driveways facing that road, so I feel like if we force them to subdivide at this point, we're almost tying their hands and getting a product that we wouldn't want."

Mr. Gray stated that he was inclined to agree with Mr. Sorey's assessment. Ms. Pope stated that from a planning perspective there was no good solution in this case. Mr. Sorey stated that if a development were planned for the area, a developer would buy each of the lots, demolish the houses and replat all of the lots as one subdivision. He said that forcing the applicant into doing a subdivision at this point would be "almost locking yourself into a bunch of other little junk." Ms. Pope pointed out that the decision was up to the Board, but noted that the last time the applicant came before the Board, he was told that the next time a split was proposed, it would have to be done as a subdivision.

Mr. Jones emphasized that he did not sell the lots proposed during the last split; Mr. Sorey stated that the Board would not be influenced by whether or not a sale went through; he added that ultimately, the Board would decide whether or not to grant a variance based on whether or not it is the right thing to do. Ms. Pope stated that she could see if the Board wanted to take a common-sense approach to this application, but that the proposed variance would result in piecemeal incremental development, which could cause issues in the future. Mr. Gray pointed out that it was already piecemeal and that the proposed variance would not make it any worse.

Ms. Pope stated that the County gains rights-of-way and sometimes road improvements from subdivisions; Mr. Sorey pointed out that the Board could require right-of-way dedication as a part of the tract split. Mr. Gray and Mr. Borman concurred.

The group discussed the current road conditions in the area. Mr. Jones stated that it is chip and sealed; Ms. Pope stated that it looked good.

Mr. Gray asked if the previous tract split had been filed for record; Mr. Jones stated that it had been filed multiple times since the surveyor found an error on the township. Mr. Gray suggested that a note on the plat to void some of the bearings and dimensions around the lots might be necessary; Mr. Jones stated that he had noticed that tract 2 was incorrect. Mr. Gray pointed out that the dimensions on the new submittal are not the same as on the previous submittal. Mr. Sorey stated that all of it could be "cleaned up by not showing 1 and 2 and just doing the new one. If you've already filed the first one..." Mr. Gray

interjected that that was not feasible because they are different numbers. Ms. Lucas asked if the numbering could be changed. Mr. Jones offered to drop tracts 1 & 2 from the survey and show only tracts 3 & 4, or he could include a note on the survey stating that "tracts 1 & 2 were approved on January 17th, 2007 in a prior tract split."

Mr. Sorey stated that the applicant needed to "either re-do the document matching the old tracts verbatim and noting on here to reference when they were created and filed and you do your new tract split on that document or you don't show them - or you can show them, but you don't need all the legal descriptions and everything else... you refer to them as Tracts 1 & 2..."

Mr. Gray interjected that if the numbers have changed, the Board is being asked to approve them again, but if the numbers are the same, then they already exist and do not need re-approval. Mr. Jones stated that he had included them in the interest of full disclosure. Mr. Gray pointed out that the numbers and the lots are different on the new submittal, which would almost indicate a replat. Mr. Jones clarified that they need to be the same as in the previous submittal; Mr. Gray stated that they do. Mr. Jones assured the Board that when they see the application again, it will have the same lots and dimensions as the previous submittal.

Mr. Sorey stated that the Board would be voting on this matter in two weeks and noted that there is no notification required for this project. Mr. Jones asked, "Would you rather see it all on this plat or would you rather..." Ms. Pope answered that they just needed to be referenced as a separate tract split. Mr. Gray stated that the book and page where the information is recorded should be noted on the plat.

Ms. Pope asked if the Board had any feedback regarding the proposed variance request; Mr. Gray, Mr. Borman, and Mr. Sorey all indicated that they had no issues with the proposal.

Mr. Borman stated that the water line easement labeled on the survey as belonging to the RDA actually belongs to the City of Centerton and should be corrected since the RDA water authority no longer exists. Mr. Jones noted that the description has the correct information.

Mr. Henry stated that he had no issues with the proposal - whether it was a variance from subdivision or a subdivision - and he stated that he saw no obvious benefits or drawbacks either way. Ms. Lucas stated that she had no preference either way.

Ms. Pope asked Mr. Jones if he had said that the applicant did not ever want to sell the other house on the property; Mr. Jones responded, "I've talked to the people that need those - there's four houses that they still need - and they say 'We need those at least for the next ten years'."

Mr. Sorey asked if the Board wanted to require that the right-of-way be dedicated; Mr. Gray responded that the plat shows the existing right-of-way (and the building setback) and it would simply be a matter of putting a note on the plat.

\* Add a note to the plat stating that the right-of-way has been dedicated to the County

4. Preliminary Plat - **Emerald Ridge Subdivision** - 15051 Fielding Road, Hiwassee - HGM Consultants

Larry Kelly represented the preliminary plat request.

Ms. Pope stated that this project was originally approved in 2005 and had been granted a time extension (on 9/19/2007). She stated that the applicant has made some changes and now has a new preliminary plat application. She added that this proposed project is within the City of Bella Vista's planning area, but that they currently have no subdivision regulations. Mr. Sorey noted that the Board should require Bella Vista's comments on this project; Ms. Pope agreed that it could be sent to the Bella Vista Planning Board.

Ms. Pope stated that the project is comprised of 19 lots of over 1 acre each (some over 2 acres); each lot has its own well and septic system. She pointed out that the applicant had proposed to leave some right-of-way on the west side of the development for connection in the future; Mr. Kelly stated that this was in accordance with the original preliminary plat. He added that he could not foresee that becoming a connecting road due to the "good-sized hollow there."

Mr. Sorey said, "It seems like there was a little bit of what would become land-locked property... possibly because of the topography." He asked if there had been a topographic or quadrangle map submitted. Mr. Kelly said that he was sure there had been and added that there had been no changes made to the roadways or rights-of-way; only the lot sizes had changed. Mr. Kelly clarified that due to Centerton taking over supplying the water to the development, it became prohibitively expensive to develop the 30 lots originally proposed. Mr. Kelly consulted with the Health Department; they informed him of what would need to be done in order to put wells on the property. He then consulted with his engineer, who laid the lots out so that the wells met all setbacks. Ms. Pope asked if that was diagramed anywhere; Mr. Kelly stated that he had a small diagram of it with him; he passed it around for the Board to look at.

Ms. Pope asked if Mr. Kelly had picked out a house site; Mr. Kelly stated that after the preliminary plat review last time, all of the septic systems were sited and the Health Department approved them. He added that all of the soil tests were done, the primary and secondary septs were chosen, and the approximate locations of the houses were chosen.

Ms. Pope stated that the applicant would need to obtain the "re-approval" of the Health Department. Mr. Kelly stated that he understood and noted that the Health Department had told him that they would review it again at no charge.

Ms. Pope asked if the applicant was planning any drainage easements; Mr. Kelly stated that the roads and the drainage should be exactly the same as they were in the original submittal. He stated that they would still have the 20 foot road surface with shoulders; they were not downsized in any way. He reiterated that the only thing that had changed was the increased lot sizes.

Mr. Henry addressed the drainage easements, noting that "the big swale that comes down between the cul-de-sacs, where you're discharging off the one cul-de-sac into that existing hollow or swale there... there's no drainage easement called out for that one. I noticed you've got it called out on the western cul-de-sac."

Mr. Kelly stated that he was at a disadvantage, as he had given his only copy of the topographical documentation to Ms. Pope; Mr. Sorey stated that as long as the easements were all submitted by the time the applicant was ready to do the final plat, there was no issue; he added that the Board did not want to "surprise" him with these requirements later on. Mr. Sorey stated that all of the ditches and ravines that are being used for drainage between lots will have to have drainage easements.

Mr. Sorey asked if any road profiles had been submitted; Mr. Kelly stated that he had submitted soils tests. Mr. Sorey stated that the profiles would detail the grades of the roads; he added that a grading plan was on file, but the profile would show the percent grades. He expressed concern about the entry road. Mr. Kelly stated that the road profiles were on file. Mr. Kelly said that GTS did the soils tests and the grading and that all of the details had been handed in.

Mr. Sorey asked if a drainage report had been submitted; Ms. Pope stated that the only one in the file is from the previous submittal and asked if the Board would require a new one. Mr. Sorey stated that he or Mr. Henry would have to look at it before deciding. Ms. Pope handed the drainage report and road profiles from the previous submittal to Mr. Sorey; Mr. Sorey looked at them and stated that they would suffice.

Mr. Borman asked the applicant to proceed with the Health Department's second review and obtain a letter from them; he said that the layout was good, but that "some of those just look like they're a little tight, so just get their OK on it."

Mr. Henry noted that in the geotechnical report by GTS, they mentioned something about a detention pond; Mr. Kelly stated that he did not recall that being mentioned in the report and that he could not understand why they would do that or why it would be necessary. Mr. Gray stated that Mr. Henry was correct and quoted the document: "In addition to roadways, a potential wet detention area is planned near the northwest corner of the project site..." Mr. Kelly said, "Well, that would be asinine." Mr. Gray continued, "...to be used as a borrow area or excavated at a later stage of the project." Ms. Pope stated that it needed to be clarified.

Ms. Lucas quoted part of the letter stating that the wet detention pond would be used as a landscaping pond and stated that the letter described how to build the pond. Mr. Henry stated that the mention of detention had caused him some confusion since it had not been mentioned elsewhere; Mr. Kelly stated that he was also confused, since the site should not require any detention. Mr. Borman pointed out that the letter states that it will be used as a landscape pond; Mr. Kelly stated that a detention pond was not in his plans.

Mr. Sorey stated that the previous drainage letter from Gore mentions one small drainage pipe and several other pipes; Mr. Kelly acknowledged that there is a swale coming into the property that had to be raised and had to have an 18" culvert pipe installed.

Mr. Sorey said that there is another one that has been sized and designed coming off of Emerald Ridge onto Emerald Ridge Lane. He stated that he did not think that the engineering done by Gore is the same as the engineering in the current plan. Ms. Pope asked if the Board would require a new drainage letter; Mr. Sorey said that they would require a revised drainage report or letter that goes with the current set of plans.

Mr. Sorey stated that the increased lot sizes and the use of septic systems and wells is not an issue, but that the documentation all needs to match up.

Mr. Henry asked if the grading on Emerald Ridge Drive was being done on an existing drive or if it would be new; Mr. Kelly stated that it is an existing drive that will be widened and improved. Mr. Henry noted that the contours are not indicated on the plan, but if they are in the profiles, that may suffice. He stated that he was asking about it because one of the pipes shown on the plan does not make sense with the proposed grades.

Mr. Kelly said that it was possible that they had missed something, since they are pulling two different plans and two engineers together for this project. Mr. Sorey stated that if a different engineer is being used to finish the project, a new drainage report should match the new engineer's work.

- \* Submit a revised drainage report or letter (by HGM Consultants)
- \* Obtain a letter of approval from the Health Department
- \* Look at pipe sizing
- \* Clarify drainage easements at final plat

5. Large Scale Development - **Little Valley Auction Services** - 14259 Kelley Road, Gravette - Costello Land Surveying

Jim Leemasters represented the large scale development application.

Ms. Pope stated that Staff had received a copy of the site plan. She said that a note stating that any new construction will not occur within the setback should be included on the site plan; she added that the applicant would need to obtain County Road Department approval of the new driveway and Health Department approval. Mr. Leemasters contended that all of the requested items had been submitted; he added that he had already spoken with someone at the Road Department regarding the new entryway. Ms. Pope acknowledged that the Health Department approval may have been submitted to the Building Inspection Department when the applicant applied for his building permit.

Ms. Pope stated that the applicant is requesting a waiver from the drainage report requirement. Mr. Leemasters stated that the survey shows where everything would drain.

Mr. Sorey pointed out the proposed culvert along Kelley Road, and then stated that "it appears that there is an existing culvert that is under Kelley Road next to Beaty Road." Mr. Leemasters stated that the culvert goes under Beaty Road. He elaborated, "There's not one there at Kelley Road, it just pours down to the corner there. And actually, it don't even go into the culvert, it crosses Beaty Road to the north of me."

Mr. Sorey Asked, "But there is a culvert there? That apparently needs to be cleaned out?" Mr. Leemasters answered that there is one that water has never run through and another one that is supposed to exist (according to the County) that he has never seen. Mr.



Leemasters described to the Board where the culverts are located in the site photographs shown by Staff.

Ms. Pope asked to have the location pointed out on the map; Mr. Sorey stated that it would be in the far upper left corner annotated as a small circle with dashes.

Mr. Sorey stated that his concern in this area would be that the applicant is preparing to place a great deal of gravel on his property for parking purposes, which will change the drainage dynamics. Mr. Leemasters stated that the County is proposing to raise Kelley Road a bit, so the culvert already in place will be usable at that time. Mr. Sorey continued that, "From the engineering standpoint, your runoff coefficients if you have gravel is different than if you have grass." Mr. Sorey went on that he didn't have any issue with the request for the variance from drainage report requirements, but he did have an issue with the current drainage, since it flows over Beaty Road; he called it, "a hazardous situation waiting to happen." He stated that the Road Department must either resolve the issue or provide a letter.

Mr. Leemasters said that the Road Department informed him that they would blacktop Kelley Road within about one year, which should resolve the drainage issue. Mr. Sorey stated that he understood, but that his concern was Beaty Road, not Kelley Road. He stated that he would accept a letter from the Road Department regarding the condition of the culvert and that they are aware of the issue. Mr. Leemasters stated that every time it rains, the Leemasters call the Road Department regarding one end of the culvert rising up into the air. He said that all they ever do is come out, push the culvert back into place and put more dirt on it. He noted that they have also put chat on Kelley Road, but then it gets graded off.

Mr. Sorey reiterated that Mr. Leemasters is requesting a variance from the drainage report requirement so that he doesn't have to hire an engineer and have an analysis done; Mr. Sorey expressed that he did not necessarily see a need for Mr. Leemasters to hire an engineer, but stated that he did not want the applicant to have issues should someone hydroplane on the roads in question and blame Mr. Leemasters due to perceived drainage issues. Mr. Sorey said that he is asking for a letter from the County Road Department acknowledging the current issues with Beaty Road.

- \* Obtain the approval of the Health Department
- \* The applicant will need to obtain County Road Department approval of the new driveway
- \* Staff will obtain a letter from the Benton County Road Department acknowledging the existing drainage issue on Beaty Road.
- \* Place a note on the plat stating that any new construction will not occur within the 25-foot building setback

6. Large Scale Development - **Horton Farms** - 9388 Horton Farms Lane, Gravette - Sand Creek Engineering

Mr. Sorey excused himself from the meeting.

Brian Sartain of Sand Creek Engineering represented the large scale development application.

Ms. Pope asked Mr. Sartain where the water line running to the south was going; Mr. Sartain answered that it was going to serve two future residences. Ms. Pope stated that the applicant would need to obtain a floodplain permit for the water line extension, but she did not foresee any issues, since it would be buried. Mr. Sartain noted that he had sent in the 404 permit application to the Corps of Engineers. Ms. Pope stated that the floodplain development permit would need to be obtained from the Planning Office; the purpose of the permit is simply to ensure that the water line won't float in case of flooding. She then asked if the applicant would be crossing the creek; Mr. Sartain responded that they would. Ms. Pope stated that the applicant would need a short-term activity authorization from ADEQ as part of the Corps of Engineers permit.

Ms. Pope cautioned Mr. Sartain that the applicant should avoid the use of the word "wetland" in the Corps permit application unless they are talking about an identified wetland area, which Mr. Sartain assured her they were not. Mr. Borman explained that if the applicant uses the word "wetland", the Corps of Engineers would require them to do wetland mitigation for that property; he said, "You don't want to start going down that road."

Mr. Henry asked if the creek re-channelization work had originally been permitted under a 404 permit; Mr. Sartain stated that it had been, but that the permit had expired in January and the applicant had had to obtain a new 404 permit. Ms. Pope stated that the applicant had not obtained a floodplain development permit. She stated that Staff would need a copy of the current 404 permit for the file.

Mr. Borman asked if the applicant already had obtained approvals from the City of Centerton and the Health Department; Mr. Sartain stated that they had not yet; he elaborated that they are currently going through the City of Centerton's approval process and that he was hoping to obtain their approval before seeking the approval of ADEQ.

Ms. Pope asked if this large scale development would be required to have an alternate septic field area; Mr. Sartain stated that he thought they might be required to do so and that he would check with the septic designer to see if an alternate test pit had been done. Ms. Pope stated that she believed that this building already had a Health Department permit and asked that the alternate septic field be located on the site plan.

Ms. Pope stated that the existing pond with the note stating, "pond to act as permanent sediment basin" is within the flood plain; she asked what the applicant was planning. Mr. Sartain stated that the pond was being used for erosion control so that the applicant would not need bell barriers and silt fencing along the edge of construction.

Mr. Henry asked, "How much of this is existing? Is any of this being built?" Mr. Sartain stated that the lodge building is framed and nearly completed, but none of the grading has been begun. Mr. Henry asked if the pond is to the left of the house; Mr. Sartain answered that it is. Mr. Henry stated that the swale above the vertical wall drains down to the channel, so he was unsure of how the pond would act as a sediment basin. Mr. Sartain stated, "There is a shelf there... I think the swale that you're seeing's coming off

that shelf, but the majority of the water from the site will go to the pond.” Mr. Henry noted that the area is well vegetated. The group reviewed the site photographs for clarification; Mr. Henry noted that the hardy vegetation probably renders the discussion moot.

Mr. Henry asked if the building would be used as a hunting lodge; Mr. Sartain stated that it would be used as a retreat for friends and members of the owner’s church congregation. He noted that it may be used for weddings and church camps, but he did not believe that any money would be changing hands.

Ms. Pope stated that the applicant would need to post a bond for the road crossing or boring when the water line is extended.

Mr. Gray noted that the survey “looks like it was downloaded and stuck in here”; he asked if Mr. Blew was associated with this project; Mr. Sartain stated that it was only intended to show the last known survey of the property. He asked if the applicant would be required to submit a survey; Ms. Pope stated that, unless the requirement was waived, a survey is usually required.

Mr. Gray said that he would rather the applicant request a variance from the survey requirement, stating that he would be concerned if he saw one of his surveys used for commercial purposes without his consent. Ms. Pope pointed out that in the past the Board has allowed applicants to show the survey without the legal descriptions, title block, etc. Mr. Gray also noted that the flood certification is in the wrong county. Mr. Sartain stated that, if the Board agreed, that information could be omitted from the plans; Ms. Pope agreed that that would be best and asked that the applicant submit a variance request for the survey requirements.

Mr. Henry asked if the applicant would need to include a floodplain statement, since part of the project area lies within the floodplain; Mr. Sartain stated that there is a floodplain statement on their cover sheet that references the new FEMA maps.

Ms. Pope asked Mr. Henry if he had any concerns regarding the pond acting as a sediment basin, since it is within the floodplain; Mr. Henry responded that the pond is already there and really will not function as a sediment basin, but he noted that “the site looks great as far as stabilization.” Mr. Sartain stated that they could remove the note regarding the sediment basin.

Ms. Pope stated that overall the plan looked good, but felt that the applicant would have some loose ends to tie up during the construction process. She reminded the applicant that Staff would require “the original permitting on the changes in the creek, and the bridge, and whatever else he’s done in that area”, Mr. Sartain agreed to supply the requested documentation.

- \* Obtain a permit from the Corps of Engineers, avoiding the word “wetland”
- \* Obtain the approval of ADEQ for the work within the stream
- \* Obtain the approval of Health Department for the water line extension

- \* Post a bond for the road cut/road bore
- \* Correct the flood certification
- \* Indicate the alternate septic field on the site plan
- \* Submit a waiver for the survey requirement or remove identifying information from the survey information used

7. Informal Plat - **Railroad Cut Subdivision** - Railroad Cut Road, Rogers - Blew, Bates & Associates

Mr. Sorey returned to the meeting.

Chuck Gay and Candice Martin, both of Harris McHaney Realtors (Beaver Lake), represented the informal plat request.

Ms. Pope noted that the "Tract Split" label on the plat needed to be changed to read "Informal Plat" and that the tract split should be named. She added that this project is just barely within the planning area of the City of Rogers, so the Board would need a letter of approval or release from the City of Rogers. An updated flood certification would also be required. (Ms. Martin stated that they had it already.)

Ms. Pope stated that the applicant had the book and page of an easement noted on the plat and asked Mr. Gray if he thought it would behoove them to include the easement description. Mr. Gray stated that he did not look up that book and page; he noted that "there's roads crossing everywhere out here," and asked if the existing road easement covered the one that the arrow is pointing to or if it covered all of the roads in the area. He added that Tract B1 is broken into three pieces due to roads crossing it.

Ms. Pope asked if the Board would like the applicant to draw the easements on the plat; Mr. Gray suggested that some notes to clarify the easements would help, since some of the easements are the only means of access to other properties. Mr. Sorey stated, "Because of the cul-de-sacs being on adjacent properties and these roads ending there, we need to see the document that created those easements and in the easements document itself with regard to who they are to because it's got to be to the benefit of your adjacent property owners use as well." He noted that for fire safety reasons, the applicant might need to have a cul-de-sac placed on their property.

Mr. Gray asked if any of the roads area named; Ms. Martin answered, "No, they're just gravel roads," and explained that they are only for access to the property. Ms. Pope stated that the applicant would need to submit plat approval from the Health Department for the lots.

Mr. Gray stated that he might have more comments regarding the easements once he had the easement documents to review; he noted that without those documents there were too many variables to be able to make any decisions. Ms. Pope asked the applicant to provide copies of the easements and show them on the plat in relation to the lots.

The Board reviewed the site photos. Mr. Sorey asked if all of the roads were in the same condition as the one shown in the photograph; Ms. Martin stated that they are and added that there is one gravel road that goes to a property - she stated that that is where the easement comes in, but stated that the owner is never around. She added that normally the gravel roads are maintained, but are not as well maintained now due to the recent heavy rains.

Ms. Pope asked if the Board would require right-of-way dedication; Mr. Sorey and Ms. Lucas agreed that they would need to see the easement before making that decision. Mr. Sorey stated that these are private roads, but no topography was provided; he pointed out that the roads are narrow with limited emergency access. Mr. Gray asked if these were simply one-lane tract roads; Ms. Martin answered that they are and were put in only to give the owner access to his property.

Mr. Sorey stated that he would not be comfortable with having only the limited information provided; he asked for topography, road profiles, and a typical cross-section of what the roads would look like. Mr. Sorey asked if the applicant was proposing any improvements or just creating tracts; Ms. Martin indicated that the applicant is merely creating tracts.

Ms. Martin stated that the two smaller tracts being created are already under contract. Mr. Sorey stated that the Board still needed to review the access quality.

Ms. Pope added the stipulations that any future splits must be brought to the Planning Board as a subdivision and that the applicant must submit a drainage report or letter. She then asked if the Board wished to see contours; several members indicated that they did. Mr. Sorey recommended that the applicant obtain a copy of the informal plat checklist to ensure that all requirements are met.

- \* Since the lots are less than 3 acres each, Health Department approval is required
- \* Change the "Tract Split" label on the plat to read "Informal Plat"
- \* Obtain a letter of release or approval from the City of Rogers
- \* Update the flood certification
- \* Provide copies of the easements and clarify them on the plat
- \* Provide topographic information, road profiles, a typical cross-section, and contours
- \* Annotate on the plat that any future splits must be brought to the Planning Board as a subdivision
- \* Submit a drainage report or letter

## **Announcements**

Ms. Pope announced an educational meeting on May 15th; the meeting will be open to the public and cover Karst topography in Benton County and how it affects groundwater, particularly in areas that utilize wells and septic systems.

She stated that the next meeting of the Zoning Committee is scheduled for May 29th; she said that she had not yet sent anything out because the location has yet to be determined.

Mr. Sorey asked about the planning process when an applicant has a submittal within a city's planning area; he wanted to know who makes the submittal to the city. Ms. Pope answered that the applicant makes the submittal to the city and must then submit documentation to Staff. Ms. Pope invited the Board members to a meeting addressing this particular issue on May 8th at 10 a.m. at Northwest Arkansas Regional Planning. She stated that the purpose of the meeting is "To get all of our heads together and talk about (the) planning process and the procedural problems we're having."

Mr. Sorey asked for clarification regarding the current process; Ms. Pope stated that applicants should be going to the cities first, but many times applicants do not realize that they are within a city's planning area and Staff does not get a chance to check before the applicant leaves the office. Staff then has to provide review and comment, and then send the applicant to the city.

Mr. Sorey asked if Staff currently sends agendas out to any of the cities; Ms. Pope answered that we do not, but some of the cities send their agendas to Staff. Mr. Sorey suggested that Staff start copying the cities in order to give them advanced notice that they may be looking at some of the projects. Ms. Pope stated that she was hopeful that the meeting with the city planners on May 8th would help to clarify procedures; she stated that currently "It's a mess. With the way the State law is... the way that there's actually just a marble cake of bureaucracy out in the planning area. Basically, you've got exclusive subdivision jurisdiction for the cities, but you have to follow that up with the fact that the County Judge maintains all the roads. We can do land use; they can't do land use. We do floodplain management and building permits, and then you throw in the water districts and the fire districts who don't report to anybody except themselves... it's really difficult."

Ms. Pope gave the Board a preview of what she hoped to accomplish with this meeting, stating that the problem could be approached from a procedural standpoint or from "a more holistic, more comprehensive approach to the problems that we have." She added that the issues are more significant than just procedure. She stated that she hoped to get the different jurisdictions organized.

Mr. Sorey stated, "From a consultant's point of view, it's not the not knowing that kills me, it's everybody doing something different... I can get on the phone and I can call around and I can get a dozen different responses. Sometimes I can call some of the same entities and get different responses... That's nuts, and it makes me look really... incompetent in providing services to my clients when I can't even answer the simple questions."

Ms. Pope agreed that it is very frustrating, but that they will have “some of the best minds in northwest Arkansas at the meeting” and could hopefully resolve some of the existing issues.

### **Adjournment**

The meeting was adjourned at 7:08 p.m.